

# **JOURNAL OF THE SENATE**

## **EIGHTY-SEVENTH SESSION**

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NINTH DAY

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STATE OF SOUTH DAKOTA  
Senate Chamber, Pierre  
Wednesday, January 25, 2012

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Rev. John Fette, followed by the Pledge of Allegiance led by Senate pages Dacey Bryan and Thomas Tolton.

Roll Call: All members present except Sens. Lederman and Nygaard who were excused.

### **APPROVAL OF THE JOURNAL**

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Bob Gray, Chair

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 70 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration SB 66 and 67 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,  
Todd Schlekeway, Chair

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 63 and 64 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration the nomination of Thomas L. Greenway of Davison County, Mitchell, South Dakota, to the South Dakota Railroad Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment and that it be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration the nomination of Scott G. Stern of Hutchinson County, Freeman, South Dakota, to the South Dakota Railroad Authority and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment and that it be placed on the consent calendar.

Respectfully submitted,  
Mike Vehle, Chair

1 Also MR. PRESIDENT:

2 The Committee on Health and Human Services respectfully reports that it has had under  
3 consideration SB 69 and 72 and returns the same with the recommendation that said bills do  
4 pass.

5 Also MR. PRESIDENT:

6 The Committee on Health and Human Services respectfully reports that it has had under  
7 consideration SB 23 and returns the same with the recommendation that said bill be amended  
8 as follows:

9 23ja

10 On page 3, line 9, of the printed bill, after "Cathinone" insert "and other variations, defined  
11 as any compound, material, mixture, preparation or other product unless listed in another  
12 schedule or an approved FDA drug (e.g. bupropion, pyrovalerone), structurally derived from  
13 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene  
14 ring systems, whether or not the compound is further modified in any of the following ways:

15 (a) By substitution in the ring system to any extent with alkyl, alkylendioxy,  
16 alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further  
17 substituted in the ring system by one or more other univalent substituents;

18 (b) By substitution at the 3-position with an acyclic alkyl substituent;

19 (c) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or  
20 methoxybenzyl groups or by inclusion of the 2-amino nitrogen atom in a  
21 cyclic structure.

22 Some trade or other names: methcathinone, 4-methyl-N-methylcathinone  
23 (mephedrone); 3,4-methylenedioxy-N-methylcathinone (methylone);  
24 3,4-methylenedioxyprovalerone (MDPV); Naphthylpyrovalerone (naphyrone);  
25 4-fluoromethcathinone (fephedrone); 4-methoxymethcathinone (methedrone;  
26 Bk-PMMA); Ethcathinone (N-Ethylcathinone); 3,4-methylenedioxyethcathinone  
27 (ethylone); Beta-keto-N-methyl-3,4-benzodioxymethylbutanamine (butylone);  
28 N,N-dimethylcathinone (metamfepramone); Alpha-pyrrolidinopropiophenone  
29 (alpha-PPP); 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP);  
30 3,4-methylenedioxyalphapyrrolidinopropiophenone (MDPPP);  
31 Alpha-pyrrolidinovalerophenone (alpha-PVP); 3-fluoromethcathinone;  
32 4'-Methyl-?-pyrrolidinobutiophenone (MPBP)".

33 On page 3, line 10, overstrike everything after "(38)".

34 On page 3, line 11, overstrike "(39)".

1 On page 3, line 12, overstrike "(40)" and insert "(39)".

2 On page 3, line 13, overstrike "(41)" and insert "(40)".

3 On page 3, line 14, overstrike "(42)" and insert "(41)".

4 On page 3, line 15, overstrike "(43)" and insert "(42)".

5 On page 3, line 16, overstrike "(44)" and insert "(43)".

6 On page 3, line 17, overstrike "(45)" and insert "(44)".

7 On page 3, delete lines 18 to 24, inclusive, and insert:

8 "

9 ~~(46)~~(45) 5-methoxy-NAN-dimethyltryptamine (5-MeO-DMT);

10 ~~(47)~~ 5-(1,1-Dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

11 ~~—————~~ ~~(48)~~ 5-(1,1-Dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

12 ~~—————~~ ~~(49)~~ 1-Butyl-3-(1-naphthoyl)indole;

13 (46) Synthetic cannabinoids. Any material, compound, mixture, or preparation that is not  
 14 listed as a controlled substance in another schedule, is not an FDA-approved drug,  
 15 and contains any quantity of the following substances, their salts, isomers (whether  
 16 optical, positional, or geometric), homologues, and salts of isomers and homologues,  
 17 unless specifically excepted, whenever the existence of these salts, isomers,  
 18 homologues, and salts of isomers and homologues is possible within the specific  
 19 chemical designation:

20 (a) Naphthoylindoles. Any compound containing a 3-(1-naphthoyl)indole  
 21 structure with substitution at the nitrogen atom of the indole ring by an alkyl,  
 22 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
 23 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether  
 24 or not further substituted in the indole ring to any extent and whether or not  
 25 substituted in the naphthyl ring to any extent.

26 Some trade or other names: JWH-015; 1-pentyl-3-(1-naphthoyl)indole  
 27 (JWH-018); 1-hexyl-3-(1-naphthoyl)indole (JWH-019);  
 28 1-butyl-3-(1-naphthoyl)indole (JWH-073);  
 29 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);  
 30 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);  
 31 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); JWH-210;  
 32 JWH-398; 1-pentyl-3-(1-naphthoyl)indole (AM-678);  
 33 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM-2201); WIN 55-212;

(b) Naphthylmethylindeles. Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(c) Phenylacetylindoles. Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names:  
1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18);  
1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (RCS-8);  
1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);  
1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203);

(d) Benzoylindoles. Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

Some trade or other names: 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM-694); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19); Pravadoline (WIN 48,098); 1-pentyl-3-[(4-methoxy)-benzoyl]indole (RCS-4);

(e) Naphthoypyrroles. Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

Some trade or other names: JWH-307;

(f) Naphthylmethylindenes. Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent;

(g) Cyclohexylphenols. Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl, or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.

Some trade or other names: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP 47,497 and homologues, which includes C8); cannabicyclohexanol;

(h) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol. Some trade or other names: HU-210;

(i) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone. Some trade or other names: WIN 55,212-2;

(47) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine) (MDAI);

(48) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(49) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);

(50) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(51) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);

(52) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(53) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(54) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);

(55) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N); and

(56) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P)".

On page 4, delete lines 1 to 5, inclusive, and insert:

"

~~(50) 1-[2-(4-Morpholinyl)ethyl]-3-(1-naphthoyl)indole; and~~

~~(51) 1-Pentyl-3-(1-naphthoyl)indole."~~

1 On page 7, delete line 20, and insert:

2 "

3 (46) Ezogabine,[N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl  
4 ester]."

5 And that as so amended said bill do pass.

6 Respectfully submitted,  
7 Jean M. Hunhoff, Chair

8 Also MR. PRESIDENT:

9 The Committee on State Affairs respectfully reports that it has had under consideration  
10 SB 71 and HB 1048 and returns the same with the recommendation that said bills do pass.

11 Also MR. PRESIDENT:

12 The Committee on State Affairs respectfully reports that it has had under consideration  
13 HB 1016 and 1024 and returns the same with the recommendation that said bills do pass and  
14 be placed on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on State Affairs respectfully reports that it has had under consideration  
17 SB 59 which was deferred to the 41<sup>st</sup> Legislative Day.

18 Respectfully submitted,  
19 Larry Rhoden, Chair

## 20 **MESSAGES FROM THE HOUSE**

21 MR. PRESIDENT:

22 I have the honor to transmit herewith HB 1007, 1028, 1034, 1049, 1056, 1058, 1060, 1061,  
23 1062, and 1069 and HJR 1001 and 1002 which have passed the House and your favorable  
24 consideration is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HCR 1002 and 1003 which have been adopted by the  
3 House and your concurrence is respectfully requested.

4 Respectfully,  
5 Karen Gerdes, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 Sen. Olson moved that when we adjourn today, we adjourn to convene at 1:30 p.m. on  
8 Thursday, January 26, the 10<sup>th</sup> legislative day.

9 Which motion prevailed.

10 HCR 1002: A CONCURRENT RESOLUTION, Urging Congress and the South Dakota  
11 congressional delegation to support federal legislation to protect the United States Postal  
12 Service.

13 Was read the first time, the President waived the referral to committee, and placed  
14 HCR 1002 on the calendar of Thursday, January 26, the 10<sup>th</sup> legislative day.

15 HCR 1003: A CONCURRENT RESOLUTION, Encouraging South Dakota hospitals with  
16 maternity care services to become Baby Friendly by implementing the Ten Steps to Successful  
17 Breastfeeding.

18 Was read the first time, the President waived the referral to committee, and placed  
19 HCR 1003 on the calendar of Thursday, January 26, the 10<sup>th</sup> legislative day.

20 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

21 SB 148 Introduced by: Senators Rave, Cutler, Holien, and Tieszen and Representatives  
22 Hunt, Gosch, Lust, and Turbiville

23 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to battery  
24 committed against infants and unborn children.

25 Was read the first time and referred to the Committee on Judiciary.

1 SB 149 Introduced by: Senators Cutler, Buhl, Haverly, Kraus, Krebs, Novstrup (Al),  
2 Peters, and Vehle and Representatives Novstrup (David), Blake, Conzet, Elliott, Hansen (Jon),  
3 Kirkeby, and Stricherz

4 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the conditional  
5 release of persons charged with domestic abuse.

6 Was read the first time and referred to the Committee on Judiciary.

7 SB 150 Introduced by: Senators Begalka and Bradford and Representatives Sigdestad and  
8 Nelson (Stace)

9 FOR AN ACT ENTITLED, An Act to authorize counties and townships to permit fencing  
10 within the rights-of-way of certain minimum maintenance roads.

11 Was read the first time and referred to the Committee on Agriculture and Natural  
12 Resources.

13 SB 151 Introduced by: Senators Sutton, Bradford, Buhl, Frerichs, and Hundstad and  
14 Representatives Fargen, Blake, Dennert, Gibson, Hunhoff (Bernie), Kloucek, Lucas, and  
15 Wismer

16 FOR AN ACT ENTITLED, An Act to provide a time period before certain action on the  
17 general appropriation bill may commence.

18 Was read the first time and referred to the Committee on Appropriations.

19 SB 152 Introduced by: Senator Sutton and Representative Kloucek

20 FOR AN ACT ENTITLED, An Act to provide for a study of the feasibility of establishing  
21 a state-owned equine processing facility and to make an appropriation therefor.

22 Was read the first time and referred to the Committee on Agriculture and Natural  
23 Resources.

24 SB 153 Introduced by: Senators Sutton, Begalka, Bradford, Brown, Buhl, Frerichs,  
25 Hundstad, Juhnke, Lederman, Maher, Olson (Russell), Putnam, Rampelberg, and Rhoden and  
26 Representatives Olson (Betty), Fargen, Hickey, Jones, Moser, Tulson, and Venner

27 FOR AN ACT ENTITLED, An Act to authorize the transfer of certain landowner  
28 preference big game licenses.

29 Was read the first time and referred to the Committee on Agriculture and Natural  
30 Resources.

SB 154 Introduced by: Senators Schlekeway, Frysliie, Lederman, Novstrup (Al), Tieszen, and Vehle and Representatives Sly, Abdallah, Bolin, Conzet, Hansen (Jon), Hickey, Hoffman, Hunt, Moser, Wick, and Willadsen

FOR AN ACT ENTITLED, An Act to revise certain statutes pertaining to persons required to report child abuse and neglect.

Was read the first time and referred to the Committee on Health and Human Services.

SB 155 Introduced by: Senators Tieszen, Kraus, and Rampelberg and Representatives Hoffman, Elliott, Haggar, Kopp, Liss, Magstadt, Nelson (Stace), Olson (Betty), Schaefer, Van Gerpen, and Verchio

FOR AN ACT ENTITLED, An Act to prohibit the employment of unauthorized aliens and to provide penalties therefor.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 156 Introduced by: Senators Tieszen, Cutler, Holien, and Rave and Representatives Lust, Cronin, Gibson, Hoffman, Moser, Sly, Turbiville, and Wick

FOR AN ACT ENTITLED, An Act to establish strangulation as one element of the crime of aggravated assault.

Was read the first time and referred to the Committee on Judiciary.

SB 157 Introduced by: Senators Olson (Russell), Frerichs, Gray, Hansen (Tom), Heineman, Hundstad, Krebs, Nygaard, Peters, Rave, Schlekeway, and Tidemann and Representatives Rausch, Boomgarden, Carson, Cronin, Fargen, Hawley, Hoffman, Moser, Novstrup (David), Perry, Tulson, Verchio, Wick, and Willadsen

FOR AN ACT ENTITLED, An Act to revise certain provisions relating to outdoor advertising signs.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 158 Introduced by: Senators Juhnke, Maher, Nygaard, Rampelberg, and Rave and Representatives Perry, Cronin, Fargen, Solum, and Street

FOR AN ACT ENTITLED, An Act to create an exception to the loan or credit limitations of state chartered banks.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 159 Introduced by: Senators Bradford, Buhl, Frerichs, Juhnke, Maher, and Sutton and Representatives Killer, Brunner, Fargen, Iron Cloud III, Lucas, Russell, Schrempp, Sigdestad, Stricherz, and Wismer

FOR AN ACT ENTITLED, An Act to authorize funding for certain tribal colleges to defray certain costs associated with educating nonbeneficiary students at tribal colleges and to make an appropriation therefor.

Was read the first time and referred to the Committee on Appropriations.

SB 160 Introduced by: Senators Novstrup (Al), Brown, Fryslye, Heineman, and Kraus and Representatives Cronin, Hoffman, Moser, Novstrup (David), Tulson, and Wick

FOR AN ACT ENTITLED, An Act to create the North Central Water Development District, to provide for the appointment of the board of directors, to establish certain property tax levy limitations, and to revise the boundaries of the James River Water Development District.

Was read the first time and referred to the Committee on Agriculture and Natural Resources.

SB 161 Introduced by: Senators Novstrup (Al), Brown, Frerichs, Fryslye, and Heineman and Representatives Hoffman, Feickert, and Tulson

FOR AN ACT ENTITLED, An Act to revise certain provisions concerning public meetings held by teleconference or videoconference.

Was read the first time and referred to the Committee on State Affairs.

SB 162 Introduced by: Senators Tidemann, Brown, Frerichs, Gray, Hansen (Tom), Haverly, Heineman, Hunhoff (Jean), Johnston, Olson (Russell), Peters, Rave, and Rhoden and Representatives Sly, Boomgarden, Conzet, Cronin, Dryden, Hawley, Kirkeby, Moser, Munsterman, Perry, Street, Vanneman, Wick, Willadsen, and Wismer

FOR AN ACT ENTITLED, An Act to create certified technology parks and to provide certain financing mechanisms and bonding authority to enhance knowledge and tech-based economic development and to repeal certain provisions concerning certified technology parks.

Was read the first time and referred to the Committee on State Affairs.

SB 163 Introduced by: Senators Tidemann, Adelstein, Buhl, Cutler, and Hunhoff (Jean) and Representatives Turbiville, Abdallah, Blake, Hawley, Hickey, Lucas, Miller, Moser, Munsterman, and Wismer

FOR AN ACT ENTITLED, An Act to provide safety provisions by requiring registration of certain family day care facilities, to establish notification and reporting requirements for violations, and to provide penalties therefor.

Was read the first time and referred to the Committee on Health and Human Services.

SB 164 Introduced by: Senators Tidemann, Brown, Haverly, Heineman, Juhnke, Olson (Russell), and Rhoden and Representatives Hansen (Jon), Blake, Brunner, Deelstra, Dryden, Fargen, Haggard, Hawley, Hickey, Hunhoff (Bernie), Munsterman, Perry, Stricherz, Turbiville, Wick, Wink, and Wismer

FOR AN ACT ENTITLED, An Act to require public school students in grade eleven to take certain assessments.

Was read the first time and referred to the Committee on Education.

SB 165 Introduced by: Senators Juhnke, Bradford, Brown, Maher, and Rhoden and Representatives Brunner, Cronin, Schaefer, Vanneman, and Wink

FOR AN ACT ENTITLED, An Act to revise certain provisions related to the distribution of funds to sparse school districts.

Was read the first time and referred to the Committee on Education.

SB 166 Introduced by: Senators Vehle, Brown, Frerichs, Frysliie, Maher, Olson (Russell), and Tieszen and Representatives Munsterman, Boomgarden, Magstadt, Rozum, and Sigdestad

FOR AN ACT ENTITLED, An Act to require evidence of financial responsibility at the time of vehicle registration, to provide for a motor vehicle insurance data base, and to provide for the administration thereof.

Was read the first time and referred to the Committee on Transportation.

SB 167 Introduced by: Senators Gray, Heineman, Juhnke, and Maher and Representatives Kirkeby, Abdallah, Gibson, and Solum

FOR AN ACT ENTITLED, An Act to increase the amount that may be played on a video lottery machine game.

Was read the first time and referred to the Committee on State Affairs.

1 SB 168 Introduced by: The Committee on State Affairs at the request of the Office of the  
2 Governor

3 FOR AN ACT ENTITLED, An Act to revise the terms and expiration dates of appointees  
4 to certain boards and commissions.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 169 Introduced by: Senators Hansen (Tom), Begalka, Frerichs, Krebs, Novstrup (Al),  
7 and Peters and Representatives Street, Greenfield, Rozum, Sigdestad, and Tulson

8 FOR AN ACT ENTITLED, An Act to create certain watershed districts.

9 Was read the first time and referred to the Committee on Agriculture and Natural  
10 Resources.

11 SB 170 Introduced by: Senators Frerichs, Buhl, Maher, and Vehle and Representatives  
12 Brunner, Fargen, Kloucek, Munsterman, Nelson (Stace), Schrempp, and Street

13 FOR AN ACT ENTITLED, An Act to reduce contractor's excise tax rate on new or  
14 expanded power production.

15 Was read the first time and referred to the Committee on State Affairs.

16 SB 171 Introduced by: Senators Frerichs, Krebs, Nygaard, and Schlekeway and  
17 Representatives Hawley, Hickey, Sigdestad, and Solum

18 FOR AN ACT ENTITLED, An Act to revise voter qualifications for sanitary districts.

19 Was read the first time and referred to the Committee on Local Government.

20 SB 172 Introduced by: Senator Tieszen and Representative Hansen (Jon)

21 FOR AN ACT ENTITLED, An Act to toll any conviction for operation of a boat while  
22 under the influence when calculating the number of offenses for enhancement of a driving under  
23 the influence charge.

24 Was read the first time and referred to the Committee on Judiciary.

25 SB 173 Introduced by: Senators Adelstein and Nelson (Tom) and Representatives Kirkeby,  
26 Boomgarden, and Fargen

1 FOR AN ACT ENTITLED, An Act to provide provisions allowing for the practice of  
2 medical-aesthetic services by trained professionals, to provide registration and oversight of such  
3 providers, and to provide a penalty therefor.

4 Was read the first time and referred to the Committee on Health and Human Services.

5 SB 174 Introduced by: Senators Brown, Bradford, Frerichs, Hansen (Tom), Heineman,  
6 Juhnke, Olson (Russell), Peters, Putnam, Schlekeway, Tidemann, Tieszen, and Vehle and  
7 Representatives Cronin, Abdallah, Gibson, Hunhoff (Bernie), Rozum, and White

8 FOR AN ACT ENTITLED, An Act to increase the 911 emergency surcharge, to revise the  
9 collection and distribution of the surcharge revenue, to provide for point of sale collection of  
10 the prepaid wireless 911 emergency surcharge, and to provide funding for the upgrade of 911  
11 emergency services.

12 Was read the first time and referred to the Committee on State Affairs.

13 SB 175 Introduced by: Senators Gray, Haverly, and Heineman and Representatives  
14 Abdallah and Kirkeby

15 FOR AN ACT ENTITLED, An Act to increase the number of video lottery machines that  
16 may be placed in a licensed establishment.

17 Was read the first time and referred to the Committee on State Affairs.

18 SB 176 Introduced by: The Committee on Health and Human Services at the request of the  
19 Office of the Governor

20 FOR AN ACT ENTITLED, An Act to establish a program to assist rural health care  
21 facilities in recruiting certain health care professionals and to repeal certain provisions regarding  
22 recruitment incentive payments for health care professionals.

23 Was read the first time and referred to the Committee on Health and Human Services.

24 SB 177 Introduced by: The Committee on Health and Human Services at the request of the  
25 Office of the Governor

26 FOR AN ACT ENTITLED, An Act to establish a program to assist rural communities to  
27 recruit certain health care professionals and to repeal certain provisions regarding the physician  
28 and the dentist tuition reimbursement programs.

29 Was read the first time and referred to the Committee on Health and Human Services.

1                   **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2           HB 1007: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete  
3 statutes regarding the Department of Education.

4           Was read the first time and referred to the Committee on Education.

5           HB 1028: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to state  
6 employees and to the administration of state personnel matters.

7           Was read the first time and referred to the Committee on State Affairs.

8           HB 1034: FOR AN ACT ENTITLED, An Act to revise the circumstances under which  
9 alterations may be made to certain insurance applications.

10          Was read the first time and referred to the Committee on Commerce and Energy.

11          HB 1049: FOR AN ACT ENTITLED, An Act to add certain definitions regarding the  
12 Department of the Military.

13          Was read the first time and referred to the Committee on State Affairs.

14          HB 1056: FOR AN ACT ENTITLED, An Act to revise certain provisions of the South  
15 Dakota Business Corporations Act regarding the issuance of shares and cumulative voting for  
16 directors.

17          Was read the first time and referred to the Committee on State Affairs.

18          HB 1058: FOR AN ACT ENTITLED, An Act to revise certain record search fees charged  
19 by clerks of court.

20          Was read the first time and referred to the Committee on State Affairs.

21          HB 1060: FOR AN ACT ENTITLED, An Act to permit a probationer who is a registered  
22 sex offender to reside in an assigned halfway house or supervised living center within a  
23 community safety zone.

24          Was read the first time and referred to the Committee on Judiciary.

1 HB 1061: FOR AN ACT ENTITLED, An Act to amend certain provisions related to  
2 interpreter services in the court system.

3 Was read the first time and referred to the Committee on Judiciary.

4 HB 1062: FOR AN ACT ENTITLED, An Act to clarify the supporting documentation  
5 necessary for a request to implement the standard visitation guidelines.

6 Was read the first time and referred to the Committee on Judiciary.

7 HB 1069: FOR AN ACT ENTITLED, An Act to increase the amount of income and  
8 principal of a perpetual fund used to maintain a cemetery.

9 Was read the first time and referred to the Committee on Local Government.

10 HJR 1001: A JOINT RESOLUTION, Proposing and submitting to the electors at the next  
11 general election an amendment to Article XVII of the Constitution of the State of South Dakota,  
12 relating to corporations.

13 Was read the first time and referred to the Committee on State Affairs.

14 HJR 1002: A JOINT RESOLUTION, To propose a constitutional amendment to repeal  
15 certain reimbursement restrictions for travel by legislators to and from a legislative session.

16 Was read the first time and referred to the Committee on State Affairs.

17 **SECOND READING OF CONSENT CALENDAR ITEMS**

18 SB 39: FOR AN ACT ENTITLED, An Act to expand the definition of victim for the  
19 purposes of certain written victim impact statements.

20 Was read the second time.

21 The question being "Shall SB 39 pass?"

22 And the roll being called:

23 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);  
3 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
4 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
5 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

6 Excused:

7 Lederman; Nygaard

8 So the bill having received an affirmative vote of a majority of the members-elect, the  
9 President declared the bill passed and the title was agreed to.

10 SB 41: FOR AN ACT ENTITLED, An Act to authorize retailers to choose whether to  
11 submit pseudoephedrine purchase records electronically or in writing.

12 Was read the second time.

13 The question being "Shall SB 41 pass?"

14 And the roll being called:

15 Yeas 33, Nays 0, Excused 2, Absent 0

16 Yeas:

17 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);  
18 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
19 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
20 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

21 Excused:

22 Lederman; Nygaard

23 So the bill having received an affirmative vote of a majority of the members-elect, the  
24 President declared the bill passed and the title was agreed to.

25 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

26 SB 16: FOR AN ACT ENTITLED, An Act to define a final stage manufacturer dealer and  
27 to provide for licensing of final stage manufacturer dealers.

28 Was read the second time.

29 The question being "Shall SB 16 pass?"

30 And the roll being called:

1 Yeas 33, Nays 0, Excused 2, Absent 0

2 Yeas:

3 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslic; Gray; Hansen (Tom);  
4 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
5 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
6 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

7 Excused:

8 Lederman; Nygaard

9 So the bill having received an affirmative vote of a two-thirds majority of the members-  
10 elect, the President declared the bill passed and the title was agreed to.

11 SB 17: FOR AN ACT ENTITLED, An Act to require certain fuel tax returns and reports  
12 to be filed by electronic means and to require certain fuel taxes to be remitted by electronic  
13 transfer.

14 Was read the second time.

15 The question being "Shall SB 17 pass?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslic; Gray; Hansen (Tom);  
20 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
21 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
22 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

23 Excused:

24 Lederman; Nygaard

25 So the bill having received an affirmative vote of a majority of the members-elect, the  
26 President declared the bill passed and the title was agreed to.

27 SB 30: FOR AN ACT ENTITLED, An Act to allow for the establishment of an alternative  
28 benefit enhancement methodology within the South Dakota Retirement System.

29 Was read the second time.

1 30md

2 Sen. Brown moved that SB 30 be amended as follows:

3 On page 1, line 6, of the printed bill, delete "establish" and insert "develop".

4 On page 1, line 7, delete everything after "." and insert "The funding and operational  
5 provisions related to the alternative benefit enhancement methodology shall be submitted for  
6 legislative approval prior to implementation."

7 On page 1, delete lines 8 to 12, inclusive.

8 Which motion prevailed.

9 The question being "Shall SB 30 pass as amended?"

10 And the roll being called:

11 Yeas 33, Nays 0, Excused 2, Absent 0

12 Yeas:

13 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);  
14 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
15 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
16 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

17 Excused:

18 Lederman; Nygaard

19 So the bill having received an affirmative vote of a majority of the members-elect, the  
20 President declared the bill passed.

21 The question being on the title.

22 30mta

23 Sen. Brown moved that the title to SB 30 be amended as follows:

24 On page 1, line 1, of the printed bill, delete "establishment" and insert "development".

25 Which motion prevailed.

26 SB 20: FOR AN ACT ENTITLED, An Act to allow returns and return information to be  
27 disclosed to officers, employees, and legal representatives of the Office of the Attorney General  
28 and other state agencies and departments.

1 Was read the second time.

2 The question being "Shall SB 20 pass as amended?"

3 And the roll being called:

4 Yeas 33, Nays 0, Excused 2, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);  
7 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
8 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
9 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

10 Excused:

11 Lederman; Nygaard

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 President declared the bill passed and the title was agreed to.

14 SB 15: FOR AN ACT ENTITLED, An Act to revise certain provisions related to the  
15 treatment of persons with mental illness, including consent to treatment.

16 Was read the second time.

17 The question being "Shall SB 15 pass as amended?"

18 And the roll being called:

19 Yeas 33, Nays 0, Excused 2, Absent 0

20 Yeas:

21 Adelstein; Begalka; Bradford; Brown; Buhl; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom);  
22 Haverly; Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs;  
23 Maher; Nelson (Tom); Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave;  
24 Rhoden; Schlekeway; Sutton; Tidemann; Tieszen; Vehle

25 Excused:

26 Lederman; Nygaard

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 President declared the bill passed and the title was agreed to.

29 SB 43: FOR AN ACT ENTITLED, An Act to criminalize the failure to report the death  
30 or disappearance of a child within a specified time by certain persons responsible for the care  
31 of the child.

1 Was read the second time.

2 The question being "Shall SB 43 pass?"

3 And the roll being called:

4 Yeas 30, Nays 3, Excused 2, Absent 0

5 Yeas:

6 Adelstein; Begalka; Bradford; Brown; Cutler; Frerichs; Fryslie; Gray; Hansen (Tom); Haverly;  
7 Heineman; Holien; Hundstad; Hunhoff (Jean); Johnston; Juhnke; Kraus; Krebs; Nelson (Tom);  
8 Novstrup (Al); Olson (Russell); Peters; Putnam; Rampelberg; Rave; Schlekeway; Sutton;  
9 Tidemann; Tieszen; Vehle

10 Nays:

11 Buhl; Maher; Rhoden

12 Excused:

13 Lederman; Nygaard

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 President declared the bill passed and the title was agreed to.

16 Sen. Haverly moved that the Senate do now adjourn, which motion prevailed and at  
17 2:55 p.m. the Senate adjourned.

18 Fee Jacobsen, Secretary